

Civil Action No.: 2:21-cv-00588

United States District Court
Southern District of West Virginia

Keith E Davis
Plaintiff,

V.

WVU Medicine/Camden Clark Medical Center
Joel D Rosenbloom M.D.
Frank White
Todd Phillips
Westbrook Health Services
James Yoder

Joel D Rosenbloom M.D.
800 Garfield Ave
Parkersburg, WV 26101

Dr. Rosenbloom was the Emergency Department provider at WVU Medicine Camden Clark Medical Center (CCMC) on the late night ER visit on November 10, 2019. Dr. Rosenbloom made me feel he was annoyed that I was there. Time spent with me as the ER patient was minimal. Dr. Rosenbloom did not treat me medically for my physical pain, my extreme anxiety, my GI issues. Nor did Dr. Rosenbloom periodically check my vitals. Dr. Rosenbloom completely neglected me the entire 11 plus hours I was in the ED/BHU. Nearly all of Dr. Rosenblooms shift. Dr. Rosenbloom thought I was a drug addict because I was sleep deprived and refused to treat me even though all of the lab work ordered showed no drugs. Because of Dr. Rosenblooms neglect, my experience in the ED/BHU spiraled out of control causing more injury, trauma, pain/bleeding and humiliation.

Frank White R.N.
800 Garfield Ave
Parkersburg, WV 26101

Mr. White threatened me while under his supervision in the Behavioral Health Unit (BHU) of the ER. Mr. White told me "If you ask for anything...It'll be the death of you!"
Mr. White did not follow the Mission standards set forth for the BHU/patient relationship by WVU Medicine. Mr. White, as an R.N. refused any medical attention to me while under his supervision. Mr. White neglected to treat my injuries once returned to BHU by Wood County Sheriff's Deputies.

Todd Phillips Mental Hygiene Commissioner
800 Garfield Ave
Parkersburg, WV 26101

Mr. Phillips had me made a Ward of the State and never followed up with me again. Mr. Phillips did not contact my wife to tell her where I was being taken or that I was made a Ward of the State. Mr. Phillips neglected to explain these proceedings to me in the very early morning of 11/11/19, he didn't talk with me about anything. Since Mr. Phillips willfully neglected to tell me, the patient, what the proceedings meant, where I was going, or why I was made a Ward of the State; he too holds responsibility in this mess. Because of Mr. Phillips willful neglect, I was injured, frightened, confused, and humiliated. Which caused more mental distress and confusion.

James Yoder
2121 7th Street
Parkersburg, WV 26101

Mr. Yoder was the Licensed Clinical Social Worker Certifier who proceeded with a hearing to make me a Ward of the State over a tv screen early morning 11/11/19. Without knowing any of my medical history or medical limitations, Mr. Yoder diagnosed me with Bi Polar Disorder. Mr. Yoder diagnosed me with Bi Polar Disorder without speaking to me or following any mandatory protocol to find such a diagnosis. He did all of this in less than 30 minutes. I had to spend 7 days in Highland Hospital. I was at Mr. Yoder's place of work in the early afternoon 11/10/19 and I was denied service though I was suicidal. Mr. Yoder failed to make sure I had follow ups or appointments within his facility or any facility for that matter. Nobody from the state for which I was made a Ward has followed up with me on anything to date.

WVU Medicine Camden Clark Medical Center
800 Garfield Ave
Parkersburg, WV 26101

WVU Medicine "the organization" has caused me a lot of humiliation, despair, and regret. I came to this hospital for medical treatment on the night of 11/10/19 until 11/11/19 and was neglected medically the entire stay. My anxiety was not addressed, my pain was not addressed, my injuries that I received while there were not addressed. My vitals were not monitored. I did not feel safe with the medical staff. I was neglected by the medical staff and falsely diagnosed and made Ward of the State. I attempted on several occasions to get the answers I so desperately needed and all I got were fabricated lies and threats. My experience at this hospital has made me question any ER visits to any hospital in the future for fear of this happening again. I was asked by the lawyer of this organization to send him my questions and concerns. I sent him 13 pages and all I got in return was a cease and desist. I was never given any follow up appointments. I was made Ward of the State...who was responsible for me since I was apparently not of sound mind and couldn't make decisions for myself? I was neglected by the ER doctor and staff. I was neglected by the BHU and staff. I was injured because I was under the impression I was going to jail because nobody explained to me what was going on. I was harassed and threatened by your staff. I was humiliated and let down by your staff. I was in pain, scared, anxious, frightened, sleep deprived and confused and your staff did nothing, but make an already bad experience worse.

I presented to the ER department of WVU Medicine Camden Clark Medical Center (CCMC) on November 10, 2019 at 10:00 p.m. with severe rectal pain and bleeding, anxiety, sleep deprivation and suicidal ideations. I was taken to triage, then to the ER. It was almost shift change so the ER doctor told me who the doctor was going to be. I waited a while for the doctor. In the meantime, the nurse took my vitals, asked questions why I was there, and asked to rate my pain. Around 11:00 p.m. Dr. Rosenbloom entered my room I was crying. I could not lie down, sit up, stand up, or walk around because the pain in my rectum was so bad. I explained to Dr. Rosenbloom I had had a prostate exam and the pain started almost immediately. I had also had a colonoscopy because of the rectal pain and brought the images along. Dr. Rosenbloom cut me off mid sentence and said he would order lab work and be back. He said to "hang tight" he needed to do his rounds.

After twenty or thirty minutes I asked my wife to see where Dr. Rosenbloom was because I was in so much discomfort. I began tasting blood in my mouth and chewed a piece of gum. The nurse told my wife he would be in asap that a young girl was having seizures. My wife told the nurse I was in a lot of pain and asked for medicine to help. A short while later, my wife asked again about Dr. Rosenbloom and the nurse said he'd be in momentarily.

Dr. Rosenbloom returned to my room a little agitated it seemed. He gave me a rectal exam and looked at the images I brought from my colonoscopy. Dr. Rosenbloom said he was awaiting lab results. I asked Dr. Rosenbloom for pain medication and he said he could see I was quite anxious as well. He said his nurse would be in soon. Dr. Rosenbloom's nurse didn't return, it was a man from the Behavioral Health Unit (BHU) Mr. White.

Mr. White came into my room a few minutes after midnight and demanded I lie down, I complied. Mr. White took me a short distance across the ER to the BHU. I tried to lighten the mood and take my mind of the pain and stated that it was now Veterans Day and also my deceased fathers birthday. As we arrived in BHU, I asked Mr. White and the security officer in BHU if either of them served so I could thank them for their service. Neither had. I told them I was in the USAF. Mr. White took me into a small room and told me to take off my clothes and gave me a paper shirt and pants to put on along with hospital socks. I put my clothes and personal belongings in the bag provided and it was put in a locker in the BHU. Mr. White then took my blood again and went out to the nurses station. The taste of blood was very prominent in my mouth so my wife asked if she could get the gum from my locker for me. The security guard said sure.

After being in the BHU for over an hour and still nobody gave me any medication for my pain or anxiety, I asked my wife to ask Mr. White for something. He said he would talk to Dr.

Rosenbloom. The longer I was there without any medical attention the more anxious I became. My heart was racing, my chest was hurting and I was sweating. I walked around this little room holding my rear end and crying for what seemed like forever waiting for relief.

After over two hours had come by, Mr. Phillips from BHU came into my room and asked my wife to step out so he and I could talk in private. I recognised Mr. Phillips from five years prior when I was in BHU for insomnia with suicidal ideations. Mr. Phillips denied he'd met me before and proceeded to type on his computer. Mr. Phillips never asked me anything and we didn't speak unless I asked questions. After maybe twenty or thirty minutes Mr. Phillips left.

Mr. Phillips went out to the waiting area and talked with my wife as they walked back to the BHU. My wife expressed her concerns about my condition and that I was there for help. Mr.

Phillips explained that they had no room for me and that I would be sent to another facility as soon as he heard from one. She told him I hadn't slept because I was not able to get the medication I had taken for almost two decades. In fact, Dr. Ferris (a psych doctor from five years earlier had prescribed)with whom Mr. Phillips worked with for several years. My wife expressed her concern and mine for this drastic turn of events that had occurred. Mr. Phillips explained that he was unable to talk with me because I was just moaning and crying. As they walked their way back to BHU, my wife expressed to her that I may feel uncomfortable with the presence of the security detail and trigger me because I have a fear of cops and they had guns. Mr. Phillips assured her they did not have guns and I had nothing to worry about that I was safe. My wife told Mr. Phillips that since he didn't know when he'd hear from another facility that it may be a while, she was going to come home and get some rest. Mr. Phillips said that would be fine and he would call her with the details. She then asked Mr. Phillips to ask the doctor for medication for me to I could try to relax. He said he would.

My wife then came into the BHU and told me she was coming home to get some rest. She said Mr. Phillips told her they were waiting to hear from another hospital that had room for me. I asked her to take the phone to bed with her in case I or the hospital called, she agreed to. My wife left shortly after 3:00 a.m. for home and when she left, everyone changed. They all seemed very aggravated with me and tired of hearing me cry and scream in pain. I tried to control myself as best I could. I told Mr. White I just want to sleep so I could at least escape the pain. I begged for help.

I began to walk out of the BHU, which was not locked down, out to the nurses station to ask for help. I was denied and told to go back to BHU. I was uncomfortable, I couldn't sit in that room any longer. I walked wherever I could trying to get relief somehow.

Sometime between 4 and 5 they called 911. I'm not sure what they said to 911, but two Parkersburg City Police Officers (PCP) arrived and began guiding me back to my room. I could smell one of them had been drinking very recently and I made that known to him, the other officer, the security officer, Mr. White and staff. This officer "Payne" told me to "Shut the fuck up and sit down" as he rubbed hand sanitizer over his face.

I was in shock that nobody was doing anything to help me. I begged and pleaded for something for the pain and Mr. White grit his teeth, got in my face and said "If you ask for anything...it'll be the death of you". I couldn't believe it. I thought maybe I'm asleep and this is a bad dream. Unfortunately for me it was not a dream. I immediately screamed that he threatened me and nobody did anything.

The staff did nothing. The Doctor did nothing. Dr. Rosenbloom walked by me and said " Oh Keith, You know it's your paranoia". I was kept in a small space and when I would try to walk around, they would push me back into that area. I wanted to call my wife, my mother, the sheriff back home. Somebody to get me out of this horrible situation. I had a bad feeling about what was happening and where I would be going.

Just after 5:00 a.m. 11/11/19 Mr. Phillips, a lawyer (Dean Furner), and Mr. Yoder from Westbrook Health Services had a meeting amongst themselves. I avoided everyone. I was terrified, in pain, anxious and wanted out of there. I did not participate in anything. Mr. Furner would open the bathroom door so they could see me. I kept saying I just want to sleep, why can't I sleep. All the while moaning, crying, frantic, and scared.

The next couple of hours were spent trying to get away from the officers surrounding me. One officer from the Wood County Sheriff's Dept. Joshua Poe, actually tried to place my hand on his weapon and say "You get your hand off that".

After a little while, approximately 8 or 9:00, I was taken out of WVU Medicine and placed in an unmarked police vehicle with transport officer Walt Hoffman. I sat in his car very paranoid, tasting blood in my mouth, and in so much pain and anxiety. I soon saw Deputy Poe exit the hospital walking in the direction I was and I just panicked. Without thinking, I jumped out of the vehicle and commenced to run. I don't know how I was able to do this, but I did. I ran. I wanted to get help. I wanted to call my wife to come get me. I wanted to feel safe. I felt like I was going to jail for trying to get help for myself. Deputy Poe tased me twice in the process and the next thing I know I'm being tackled by cops. I'm lying face down on the wet cold ground while they're shoving my face in the mud and feces. I thought this is it. They're going to kill me and I thought of my daughter.

I was handcuffed so tight it cut off the circulation to my hands. I had road rash on both shins and abrasions upon my arms and face. Along with being covered in mud and feces. I was taken back into WVU Medicine where I sat for over an hour. I still received no medical attention, only once when Marci Shaw R.N. gave me a tetanus shot before I was transported to Highland Hospital in Clarksburg.

Upon arrival, Deputy Poe removed the handcuffs and I held my hands up for everyone to see. The handcuffs were on so tight, my hands were swollen several times larger than usual and I had deep abrasions on my wrists where the metal was digging into my skin.

I was taken to the shower to clean off and after the nurses noticed I was covered in blood from the rectal bleeding. They took my vitals and took me directly to a hospital in Bridgeport where I stayed overnight.

I had no idea I was being transferred to Highland. Not one person from WVU Medicine told me anything. If they would have said "Mr. Davis we're transporting you to Highland Hospital in Clarksburg". I would have been fine with that. Had I known I was going to Clarksburg, I would have rather gone to the VA. However, they didn't tell me anything except "shut the fuck up" and "If you ask for anything...it'll be the death of you".

This tragedy has caused me so much stress emotionally and physically. I have flashbacks and night terrors. I have more nerve damage and scars on my wrists and hands. I have no quality of life. I do not trust going to hospitals for emergencies out of fear this will happen again. I have more fear of the police. Because I've suffered, so have my wife and daughter. The time I was forced to spend away from them and my appearance when I came home was terrifying for them as well.

I just wanted help! I wasn't sleeping therefore, my body wasn't resting and caused a lot of issues for me in the long run. I was having visual and auditory hallucinations, my rectum was in so much pain and bleeding a lot, and I was obviously distressed and highly anxious.

I had been to this hospital in 2014 for insomnia and hallucinations and suicidal thoughts. I was treated and released with a prescription from the Psychiatrist three days later.

This experience on Veterans Day 2019 will haunt me for life. I went through hell...a living nightmare. I can't just get over it like they expect me to.

This is not about money. This is about accountability and what's right and wrong. These folks caused all of this unnecessary torture for no reason. I went to the ER for medical treatment and I got nothing from them. For over 11 hours I was there I received no medication, no empathy or understanding, nothing. I received neglect and threats.

Mr. Furner said in a phone call with my wife, they thought we were drug addicts. That I was an old man and my wife was a hooker looking for clonazepam. They thought I was faking. That was simply not the case. I was miserable and I needed help.

I went a long time without sleep. I've had sleep studies and while in Highland found out I have REM Sleep Disorder. I've had two studies since and I get zero REM at night. That is not healthy for my brain or my body. I do not have Bi Polar Disorder, I have generalized anxiety. I was not on drugs and I did nothing that was criminal. I should have been treated the same as anyone else presenting to an ER. My pain and anxiety should have been controlled medicinally and I should have received follow up appointments with the right doctors for my situation.

I have sent numerous FOIA requests to the following:

1. Exhibit A

Chief Martin Parkersburg City Police

Requesting the employee roster for 11/11/19 to see who the officer's from his department were because I was told over and over there was no T.J. Payne. The intoxicated officer so I could file a complaint. There were two officer's from PCP who came to WVU Medicine for the 911 call. The names were A.W. Davis and Ian Boyce. I remember Mr. Davis was nice and didn't cause me any problems. The other Ian Boyce, which I didn't recognise because the name plate on the other officer's uniform read "T.J. Payne". I wasn't sure if Boyce and Payne were the same person or if there was someone impersonating an officer. Chief Martin didn't seem too concerned and nothing else was done. Chief Martin sent me the roster I asked for, but not any possible police reports or incident reports.

Sheriff Stephens Wood County Sheriff's Dept.

I asked for police reports if any and since the taser was used twice perhaps there would be a report for that. I also asked for any dashcam video or bodycam video. Mr. Stephens sent me a thumb drive and a letter from a concerned citizen about a very different story of events with Mr. Hoffman and Mr. Poe. In which my wife emailed Sheriff Stephens that the letter was full of falsehoods. The thumb drive shows very little inside the hospital leading to what happened outside. At the end, Mr. Poe is heard saying "that was awesome" and "a little bit of blood and their (Highland nurses) treating him like a baby".

Mayor Tom Joyce

Requesting any reports he may have and to tell him about "Payne". I never got a response.

Colonel Cahill

I sent him a letter of concern.

Todd Kruger Lawyer for WVU Medicine

I requested hospital policies, BHU policy, Doctor/Patient Policy. I was asked to send him a letter of concern with any questions I might have. He responded with a cease and desist.

Todd Phillips

Asking for BHU protocol, ER protocol, and why what happened happened.
Todd Kruger responded with nothing.

Trooper Richardson

Asking for any reports, statements, etc

Chris Miller Head of BHU

Asking for policy and protocol. Mr. Kruger once again responded with nothing.

Elizabeth C., Tina Knopp, Katie McMullen

I talked with patient advocates. There was supposed to be an internal investigation which found no fault within the hospital. I stated my grievances.

Camille Waldron

The 911 transcript

Dr. Jennifer Auxier

Assistant Medical Director

I did not FOIA request or speak to her that I can recall. However, my grievances reached her desk and within a matter of days I received a letter from her.

2. Exhibit B

Photos of injuries, THUMB DRIVE, 911 DISC
(5) (1) (1)

3. Exhibit C

Order For Detention, Examination and Probable Cause Hearing

4. Exhibit D

Assessment from Highland Hospital, Inc

5. Exhibit E

Board of Examiners For Registered Professional Nurses

Status Report filed against Frank White for threatening me

6. Exhibit F

List of those I've contacted, or tried to contact.

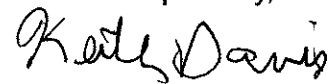
The statements and evidence I present to the United States District Court Southern District of West Virginia are true. I understand the penalties of perjury for misleading the court. I am not suing out of anger or malice. The suit I wish to proceed with is not even monetarily motivated. It's about right and wrong among the Doctor/Patient relationship.

I was harmed; mentally, physically, and emotionally before the police ever showed up.

I have to live every day with those memories, the scars, and injuries.

How much is all that worth? My life will never be the same. Nor will it be the same for my wife or our daughter. That incident in its entirety from start to finish to today has traumatized my whole family. I have no quality of life and that interferes with my families quality of life.

Respectfully,

A handwritten signature in black ink that reads "Kelly Davis". The signature is written in a cursive, flowing style.